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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,077	09/12/2003	Eldon L. Decker	1887A1	9797

7590 06/02/2005

PPG INDUSTRIES, INC.  
Intellectual Property Department  
One PPG Place  
Pittsburgh, PA 15272

EXAMINER
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AHMED, SHEEBA

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/662,077

Applicant(s)

DECKER ET AL.

Examiner

Sheeba Ahmed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,9-13,16 and 17 is/are rejected.
- 7) ☒ Claim(s) 3-5,7,8,14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/15/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. No amendments have been made in the response received on March 14, 2005.

**Claims 1-17 are pending.**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6, 9-13, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayes et al. (US 4,472,479).

Hayes et al. disclose fluorescent printing ribbons, which have a reflective pigment therein (Column 1, lines 11-15). To prepare the ribbon, layer of wax or other suitable medium and fluorescent material is deposited on the ribbon base, which may be a thin film of plastic, and a reflective barrier material is added to this layer or deposited in a second layer of wax upon the first layer. The barrier pigments used are pigments of finely divided metals or materials with metallic colors which are reflective and do not shift the wavelength of the fluorescent light (Column 2, lines 1-4). The pigments are finely divided pigments of reflective material which do not shift the wavelength of fluorescent light and examples include mica platelets coated with titanium oxide. The fluorescent material is a mixture of fluorescent dyes suspended in a polyester resin

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(Column 3, lines 40-55). With regards to the limitations that the color value  $L^*$  of the second layer is less than about 40, the Examiner takes the position that such a property limitation must be inherently met by the structure taught by Hayes given that the composition and amount of the colorants and reflective pigments as taught by Hayes and that of the claimed invention are identical. All limitations of claims 1, 2, 6, 9-13, 16, and 17 are disclosed in the above reference.

### ***Response to Arguments***

3. Applicant's arguments filed on March 14, 2005 with regards to the rejection of claims 1, 2, 6, 9-13, 16, and 17 under 35 U.S.C. 102(b) as being anticipated by Hayes et al. (US 4,472,479) have been fully considered but they are not persuasive.

Applicants traverse the rejection of claims 1, 2, 6, 9-13, 16, and 17 under 35 U.S.C. 102(b) as being anticipated by Hayes et al. (US 4,472,479) and submit that the composition of an upper layer containing fluorescent colorants and a lower layer containing light absorbing particles is not taught by the Hayes patent. Applicants further state that the Hayes patent discloses a ribbon substrate wherein, the Applicants allege, the barrier pigments are finally divided reflective pigments which "do not shift the wavelength of the florescent light" and "which do not reshift the wavelength of fluorescent light". First, the Examiners would like to point out that Hayes et al., in fact, disclose fluorescent printing ribbons, which have a reflective pigment therein. Second, in response to Applicants argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., do not

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shift the wavelength of the florescent light' and "which do not reshift the wavelength of fluorescent light) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Hence, the above rejection is maintained for the reasons of record.

#### ***Allowable Subject Matter***

4. Claims 3-5, 7, 8, 14, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheeba Ahmed whose telephone number is (571)272-1504. The examiner can normally be reached on Mondays and Thursdays from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571)272-1284. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sheeba Ahmed  
Art Unit 1773  
May 26, 2005